



Weekly Summary of Cases

National Labor Relations Board

Week of September 13-17, 2010, W-3278
***Includes a case from a previous week**

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Summarized Board Decisions

Woodward Detroit CVS, LLC (7-RC-23299; 355 NLRB No. 181) Livonia, MI, September 16, 2010. [[HTML](#)] [[PDF](#)]

The Board reversed the hearing officer's finding that an employee was not eligible to vote because the employee did not work a sufficient number of hours during the "calendar quarter" before the election. The Board found that the employee's eligibility should have been calculated using the 13-week period immediately before the eligibility date rather than the calendar quarter before the election. Based on the new calculation the Board found that the employee was an eligible voter.

Petitioner – Local 876, United Food and Commercial Workers International Union (UFCW). Chairman Liebman and Members Becker and Pearce participated.

Modern International Graphics, Inc. (8-CA-38782; 355 NLRB No. 180) Eastlake, OH, September 15, 2010. [[HTML](#)] [[PDF](#)]

The Board granted the Acting General Counsel's Motion for Default Judgment based on the Respondent's failure to file an answer to the complaint. Charge filed by Graphic Communications Union, Local 546M, GCC/IBT. Members Becker, Pearce and Hayes participated.

Mays Printing Company, Inc. (7-CA-51544, 52247; 355 NLRB No. 179) Detroit, MI, September 15, 2010. [[HTML](#)] [[PDF](#)]

The Board granted the Acting General Counsel's Motion for Default Judgment based on the Respondent's failure to file an answer to the compliance specification. Charges filed by Local 2/289-M, Graphic Communications Conference, District Council 3, International Brotherhood of Teamsters. Members Becker, Pearce, and Hayes participated.

Resistflame Acquisition Company, Inc. f/k/a Resistflame Kiesling & Hess Finishing Company (4-CA-36334; 355 NLRB No. 183) Cincinnati, OH and Philadelphia, PA, September 17, 2010. .
[\[HTML\]](#) [\[PDF\]](#)

The Board granted the Acting General Counsel's Motion for Default Judgment based on the Respondent's failure to file an answer to the compliance specification. Charges filed by UNITE HERE! Philadelphia Joint Board, AFL-CIO, CLC. Members Becker, Pearce, and Hayes participated.

The Artglo Company (9-CA-45528; 355 NLRB No. 184) Columbus, OH, September 17, 2010. .
[\[HTML\]](#) [\[PDF\]](#)

The Board granted the Acting General Counsel's Motion for Default Judgment based on the Respondent's failure to file an answer to the complaint. Charge filed by Sheet Metal Workers International Association, Local 24, AFL-CIO. Chairman Liebman and Members Pearce and Hayes participated.

Unpublished Board Decisions in Representation Cases

Gross School Bus Service, Inc. (4-RC-21631) Pottstown, PA, September 14, 2010. The Board considered objections to an election held January 22, 2010, and the Hearing Officer's report recommending disposition of them, the Board reviewed the record in light of the exceptions and brief, adopted the Hearing Officer's findings and recommendations, and found that a certification of representative should be issued. Petitioner – International Brotherhood of Teamsters, Local 384. Chairman Liebman and Members Becker and Pearce participated.

Engineering & Construction Company, Inc. (20-RC-18298) Benicia, CA, September 15, 2010. Board Order denying Employer's request for review of the Regional Director's decision and direction of election. Petitioner – International Brotherhood of Electrical Workers, Local 302. Members Becker, Pearce, and Hayes participated.

Lockheed Martin Corporation d/b/a Lockheed Martin Aeronautics Marietta (10-RC-15787) Marietta, GA, September 15, 2010. Order granting request for review and remanding proceeding to Regional Director for further appropriate action. Petitioner – International Union Security Police and Fire Professionals of America (SPEPA). Chairman Liebman and Members Pearce and Hayes participated.

MVM, Inc. (05-RC-16383) Bethesda, Poolesville, Gaithersburg, Rockville, and Baltimore, MD, September 16, 2010. No exceptions having been filed to the Regional Director's report recommending disposition of a mail-ballot election that commenced June 29, 2010, the Board adopted the Regional Director's findings and recommendations that the proceeding be remanded to the Regional Director for further appropriate action. Petitioner – United Security and Police Officers of America (USPOA).

St. Catherine Healthcare and Rehabilitation Center, LLC (28-RC-6661) Albuquerque, NM, September 16, 2010. Board Order granting aforementioned Employer's and Union's joint motion to withdraw. As no exceptions to the Administrative Law Judge's report and supplemental report remained, the Board adopted the judge's findings and recommendations, and found that a certification of representative should be issued. Petitioner – District 1199NM National Union of Hospital and Healthcare Employees, AFSCME, AFL-CIO.

Penske Truck Leasing, Inc. (32-RC-5716) Fresno, CA, September 16, 2010. Decision and Order granting Petitioner's request to withdraw its exceptions and remanding proceeding to the Regional Director for further appropriate action. Petitioner – Machinists Local Lodge No. 653, International Association of Machinists and Aerospace Workers.

STC Warehouse, Inc. (14-RC-12793) St. Louis, MO, September 16, 2010. No exceptions having been filed to the Hearing Officer's findings and recommendations to a determinative challenged ballot in an election held June 30, 2010, and the Hearing Officer's report recommending disposition of it, the Board adopted the Hearing Officer's findings and recommendation directing the Regional Director to open and count ballot. Petitioner – Teamsters Local Union 688, affiliated with International Brotherhood of Teamsters.

Rite Aid Store #6473 (31-RD-1578) September 17, 2010. Board Order granting Employer's motion to withdraw its request for review. Petitioner – an Individual. Chairman Liebman and Members Becker, Pearce, and Hayes participated.

Unpublished Board Decisions in Representation Cases

The following unpublished Board decisions involve prior rulings by the two-member Board, whose authority to act was rejected by the U.S. Supreme Court decision in *New Process Steel, LP* (June 17, 2010). The new decisions summarized here were reached by a three-member panel of the Board or by the full Board.

Guide Dogs for the Blind, Inc. (20-RC-18286) San Rafael, CA, September 13, 2010. Corrected Order – the Board carefully considered the Employer's March 15, 2010, request for review of the Regional Director's decision and direction of election and found it raises substantial issues warranting review solely with respect to the exclusion of employees from the veterinary, AAGSO, breeding, kennel, and puppy-raising departments. Accordingly, the Board affirmed the decision to grant the earlier request for review with respect to those issues, and affirmed the decision to deny the request for review in all other respects. Petitioner – Office of Professional Employees International Union, Local 29. Chairman Liebman and Members Schaumber and Hayes participated.

Columbus Transit, LLC (2-RC-23351) Mount Vernon, NY, September 15, 2010. Board Order denying the Employer's request for review. Petitioner – Transport Workers Union of Greater New York, Local 100, AFL-CIO. Chairman Liebman and Members Becker and Hayes participated.

Decisions of Administrative Law Judges

NFI Interactive Logistics, LLC (25-CA-31011; JD-51-10) Terre Haute, IN. Charge filed by an Individual. Administrative Law Judge John T. Clark issued his decision September 10, 2010. [[HTML](#)] [[PDF](#)]

Medco Health Solutions of Las Vegas, Inc. (28-CA-22914, 22915; JD(SF)-36-10) Las Vegas, NV. Charges filed by United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO, CLC, Local 675. Administrative Law Judge William G. Kocol issued his decision September 14, 2010. [[HTML](#)] [[PDF](#)]

Diponio Construction Company, Inc. (7-CA-52281; JD(ATL)-19-10) Trento, MI. Charge filed by Local 9, International Union of Bricklayers and Allied Craftworkers, AFL-CIO. Administrative Law Judge Margaret G. Brakebusch issued her decision September 14, 2010. [[HTML](#)] [[PDF](#)]

Continental Linen Services, Inc. (7-CA-52296, et al.; JD-53-10) Kalamazoo, MI. Charges filed by Chicago and Midwest Regional Joint Board – Workers United/SEIU. Administrative Law Judge Paul Bogas issued his decision September 15, 2010. [[HTML](#)] [[PDF](#)]

Firstenergy Generation Corp. (6-CA-36631; JD-54-10) Shippingport, PA. Charge filed by International Brotherhood of Electrical Workers, Local 272, AFL-CIO. Administrative Law Judge David I. Goldman issued his decision September 17, 2010. [[HTML](#)] [[PDF](#)]

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